Remarks

The Examiner has rejected applicants' claims 49-55 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the Yamagata, et al. (U.S. 5,719,984) patent in view of the Shimada, et al. (U.S. 4,575,772) patent. The Examiner has indicated that a timely filed Terminal Disclaimer in compliance with 37 CFR § 1.321(c) may be used to overcome this rejection and that if the Disclaimer is signed by the assignee the provisions of 37 CFR § 3.73(b) must be complied with.

Applicants have enclosed herewith a Terminal Disclaimer signed by the common assignee of the subject application and the '772 patent. Also enclosed is a Statement Under 37 CFR § 3.73(b) signed by the common assignee. With the filing of the Terminal Disclaimer and such Statement, the above rejection has been obviated.

The Examiner has also rejected applicants' claims 49, 51-52 and 54-55 under 35 U.S.C. §102(b) as being anticipated by the Shimada, et al. patent. Applicants' claims 50 and 53 have been further rejected under 35 U.S.C. §103(a) as being unpatentable over the Shimada, et al. patent. These rejections are respectfully traversed.

The Examiner argues as follows:

> "As recognized by applicants that the portion, column 3, lines 7-11 of Shimada discloses that the operator's command controls the position at which the character video signal is inserted on the tape during a recording mode not in the reproducing mode for reproducing the image information and the ID data on a display screen. The **operator's command controlling** the position at which the character video signal is inserted on the tape **during recording mode disclosed in column 3, lines 7-11 would determine the position** of the character signal on the display screen during reproducing mode. Thus, the operator's command disclosed in col. 3, lines 7-11 of Shimada et al would control the position of the character signal on the display screen.

> "Additionally, as previously discussed, Shimada, et al. discloses in col. 4, lines 1-12 that DATA 1 is recorded in mode '01' and DATA 1 and DATA 2 are recorded in mode '11'. The amount of DATA 1 in mode '01' and DATA 1 and DATA 2 in modes '11' are different. The examiner believes that the position at which the data of the first type (DATA 1 in mode '01') is superimposed on a display screen in the first mode and the position at which the data of the first type (DATA 1 and DATA 2 in mode '11') is superimposed on a display screen in the second mode are different from each other because the amount of data (DATA 1 in mode '01' and DATA 1 and DATA 2 in mode '11') in two modes (mode '01' and mode '11') are different."

Based on the above, the Examiner concludes that "Shimada et al indeed does disclosc all the limitations as required by claims 49, 51, 54 and 55." Applicants submit, however, that the Examiner's above argument supports the contrary conclusion, i.e., that the Shimada, et al. patent fails to teach or suggest the limitations of applicants' claims 49, 51, 54 and 55.

More particularly, the Examiner points to column 3, lines 7-11, of the Shimada, et al. patent which state, in part, that "[t]he operator, watching the monitor screen, applies a command . . . at a desired position for insertion of the character video signal." (Emphasis added). The Examiner then states that the operator's position insertion command controlling the position of insertion of the character video signal during the recording mode would determine the position of the character video signal on the screen during reproducing. Thus, according to the Examiner, the operator's position insertion command during recording would control the position of the character video signal on the screen during reproduction.

Accordingly, based on the Examiner's reasoning, it is the operator's position insertion command during recording that would control the position at which any character video signal is superimposed and displayed on the screen during reproduction. It follows, therefore, that in the case of first type (DATA 1) in mode "01" it is the operator's position insertion command during recording that would control the position of display during reproduction and in the

case of first type data (DATA 1 and DATA 2) in mode "11" it also would be the operator's position insertion command during recording that would control the position of display.

For the two different modes, i.e., "01" and "11", therefore, the position of the display during reproduction is not dependent on the particular mode selected, but instead on the operator's position insertion command. Moreover, there is nothing stated that the operator's position insertion commands be different based on the different modes.

This contrasts with applicants' claimed invention in which during reproduction different display positions are based on the different superposition modes of a superposition means or in which the display position is varied depending on the display modes of a display means. Again, in the Shimada, et al. patent, following the Examiner's argument, the display positions during reproduction are based on operator commands selecting the insertion positions, not on different superposition modes of a superimposing means or different display modes of a display means.

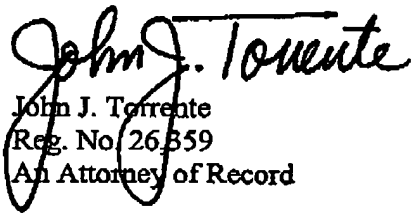
The above is true regardless of the whether the Examiner is correct or not in arguing that the amount of data (DATA 1 in mode '01' and DATA 1 and DATA 2 in mode '11') in two modes (mode '01' and mode '11') are different." The position of insertion, as above-stated, in either of these modes, based on the Examiner's reasoning, would be still be controlled by operator position insertion command and not by the fact of being in one or the other mode.

Accordingly, applicants' independent claims 49, 51, 54 and 55, and their respective dependent claims, patentably distinguish over the Shimada, et al. patent. Reconsideration of

the claims is respectfully requested.

Dated: July 7, 2005

Respectfully submitted,



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